

AMENDED IN SENATE AUGUST 6, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 2491**

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**Introduced by Assembly Member Blumenfield**

February 24, 2012

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An act to amend Section ~~52212~~ 52203 of the Education Code, relating to pupil instruction.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2491, as amended, Blumenfield. Pupil instruction: gifted and talented pupil program: ~~application approval~~. *standard for pupil identification.*

*Existing law states the intent of the Legislature to improve the quality of existing programs for gifted and talented pupils, and to ensure that pupils from economically disadvantaged and varying cultural backgrounds be provided with full participation in gifted and talented education (GATE) programs. Existing law requires the State Board of Education to review criteria, as specified, for programs for gifted and talented pupils proposed by applicant school districts.*

*This bill would, upon the next revision of the specified criteria, require the state board to adopt a standard for pupil identification to ensure the identification procedures of an applicant school district provide economically disadvantaged pupils and pupils of varying cultural backgrounds with full participation in GATE programs, and would make other nonsubstantive changes.*

~~Existing law authorizes a school district to provide a program for gifted and talented pupils, as specified, and requires each applicant~~

~~school district to submit an application for approval for a proposed program for gifted and talented pupils to the State Board of Education. Existing law requires an application to be approved for a period of one, 2, or 3 years, or denied, based on the quality of the plan, in accordance with criteria adopted by the state board.~~

~~This bill would require the state board not to approve an application for a period of more than one year unless the application describes the processes used by the applicant school district to identify for eligibility in the program, pupils of ethnic minorities and pupils of diverse socioeconomic status.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 52203 of the Education Code is amended  
2     to read:  
3     52203. (a) ~~The State Board of Education~~ state board shall  
4     maintain regulations governing the following areas:  
5     ~~(a)~~  
6     (1) Procedures that school district governing boards shall use  
7     in identifying gifted and talented pupils who are eligible for the  
8     program and in providing programs pursuant to this chapter.  
9     ~~(b)~~  
10    (2) Definitions of special day classes, part-time grouping,  
11    enrichment activities, cluster grouping, independent study,  
12    acceleration, postsecondary education opportunities, and other  
13    programs that the ~~State Board of Education~~ state board deems  
14    appropriate.  
15    ~~(c)~~  
16    (3) Establishment of allowable indirect cost expenditures that  
17    may be funded by gifted and talented program funds.  
18    ~~(d)~~  
19    (4) Other areas that the state board deems necessary to  
20    implement fully the intent and provisions of this chapter.  
21    (b) *Upon the next revision of the criteria adopted pursuant to*  
22    *Section 52212, the state board shall adopt a standard for pupil*  
23    *identification to ensure the identification procedures of an*  
24    *applicant school district provide economically disadvantaged*

1 *pupils and pupils of varying cultural backgrounds with full*  
2 *participation in the programs pursuant to this chapter.*

3 SECTION 1. ~~Section 52212 of the Education Code is amended~~  
4 ~~to read:~~

5 52212. (a) (1) ~~Each applicant school district shall submit an~~  
6 ~~application for approval for a proposed program for gifted and~~  
7 ~~talented pupils to the state board. The application shall be submitted~~  
8 ~~in the form and manner prescribed by the Superintendent. An~~  
9 ~~application shall be approved for a period of one, two, or three~~  
10 ~~years, or denied, based on the quality of the plan, in accordance~~  
11 ~~with criteria adopted by the state board. Those criteria shall be~~  
12 ~~reviewed by the state board at least once every four years and shall~~  
13 ~~address, but are not limited to, the elements of program design,~~  
14 ~~identification, curriculum and instruction, social and emotional~~  
15 ~~development, professional development, parent and community~~  
16 ~~involvement, and program assessment and budgeting. The~~  
17 ~~application shall include budget information including separate~~  
18 ~~data on identification and program costs, and any other data~~  
19 ~~required by the Superintendent to administer and evaluate the~~  
20 ~~program effectively. Each time a school district submits an~~  
21 ~~application for renewal of its GATE authorization, the school~~  
22 ~~district shall submit a program assessment in accordance with~~  
23 ~~criteria adopted by the state board.~~

24 (2) ~~Each participating governing board shall maintain auditable~~  
25 ~~records.~~

26 (3) ~~Each applicant school district shall designate, in its~~  
27 ~~application to the state board, a person with responsibility for the~~  
28 ~~development, identification procedure, and implementation of the~~  
29 ~~local program for gifted and talented pupils, fiscal management,~~  
30 ~~and the collection of auditable records for the independent~~  
31 ~~evaluation.~~

32 (4) ~~Applications for district programs shall be developed by~~  
33 ~~the department and made available to school districts no later than~~  
34 ~~April 1 of each year. The application shall not be part of the~~  
35 ~~consolidated application.~~

36 (b) ~~Notwithstanding subdivision (a), the state board may approve~~  
37 ~~an application for a period of five years, if following a site~~  
38 ~~validation of the application by the department, it determines that~~  
39 ~~the school districts's program for gifted and talented pupils is~~  
40 ~~exemplary.~~

1     ~~(e) Notwithstanding subdivisions (a) and (b), an application~~  
2     ~~shall not be approved by the state board for a period of more than~~  
3     ~~one year unless the application describes the processes used by~~  
4     ~~the applicant school district to identify for eligibility in the~~  
5     ~~program, pupils of ethnic minorities and pupils of diverse~~  
6     ~~socioeconomic status.~~

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